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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/400,320	09/21/1999	JOHN C. MEARS	37770	3309

23820 7590 11/28/2005

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WASHINGTON, DC 20036-2680

EXAMINER

TIEU, BENNY QUOC

ART UNIT	PAPER NUMBER
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2642

DATE MAILED: 11/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/400,320

Applicant(s)

MEARS ET AL.

Examiner

Benny Q. Tieu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-11,13-19 and 21-37 is/are pending in the application.
- 4a) Of the above claim(s) 25-37 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5,13 and 21 is/are allowed.
- 6) ☒ Claim(s) 1-3,6-11,14-19 and 22-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's amendment filed on Oct. 7, 2005 has been entered. Claims 5, 13, 21 have been amended. Claims 4, 12, and 20 have been canceled. Claims 25-37 have been added. Claims 1-3, 5-11, 13-19, and 21-37 are still pending in this application, with claims 1, 5, 9, 13, 17, 21, 25, 34, and 37 being independent.

### ***Election/Restrictions***

2. Newly submitted claims 25-37 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: claims 25-37 have been included more specific for the queuing component such as the queuing component comprising a routing manager, a proxy and a CTI server, and a route request broker. Each of elements in queuing component does an additional process for the call which is not originally claimed.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 25-37 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-3, 6-11, 14-19, and 22-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Shtivelman et al. (U.S. Patent No. 6,263,066).

Regarding claims 1, 9 and 17, Shtivelman et al. teach a system, method and computer readable medium of instructions for receiving and distributing contacts of different media types to a plurality of workstations, comprising:

a queuing component, adapted to receive said different media-type contacts and maintain said contacts in a common queue while said contacts are awaiting routing to said workstations (column 3, line 57 through column 4, line 4); and

a routing component, adapted to route the queued contacts to said workstations based on designated criteria (column 3, lines 42-56).

Regarding claims 2, 10 and 18, Shtivelman et al. further teach the system, method and computer readable medium of instructions wherein said designated criteria includes one of criteria of said queued contacts and criteria assigned to agents operating said workstations (column 4, lines 20-30).

Regarding claims 3, 11 and 19, Shtivelman et al. further teach the system, method and computer readable medium of instructions wherein said designated criteria includes said criteria of said queued contacts and said criteria assigned to said agents (column 8, lines 1-12).

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Regarding claims 6, 14 and 22, Shtivelman et al. further teach the system, method and computer readable medium of instructions comprising a contact handling component, adapted to initiate an event at any of said workstations in response to said contact being routed thereto (column 10, lines 22-37).

Regarding claims 7, 15 and 23, Shtivelman et al. inherently teach the system, method and computer readable medium of instructions wherein said event includes at least one of ringing a telephone assigned to said any workstation and causing said any workstation to generate a display on its display screen (column 6, lines 30-42).

Regarding claims 8, 16 and 24, see column 3, lines 42-56.

***Allowable Subject Matter***

5. Claims 5, 13, and 21 are allowed.

***Response to Arguments***

6. Applicant's arguments filed Oct. 7, 2005 have been fully considered but they are not persuasive.

7. The declaration under 37 CFR 1.131 filed Oct. 7, 2005 is insufficient to overcome the rejection of claims 1-24 based upon U.S Patent No. 6,263,066 as set forth in the last Office action because: the U.S Patent No. 6,263,066 has priority date back to Feb. 6, 1997.

***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

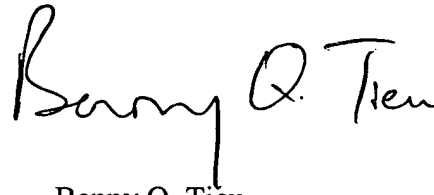
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benny Q. Tieu whose telephone number is 571-272-7490. The examiner can normally be reached on Monday-Friday: 6:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on 571-272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, reading "Benny Q. Tieu". The signature is fluid and cursive, with the first name "Benny" being larger and more prominent than the last name "Tieu".

Benny Q. Tieu  
Primary Examiner  
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